

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

EARL C. HARRIS,

Plaintiff,

v.

U.S. BANK, et al.,

Defendants.

Case No. 1:12-cv-1074-CL

**ORDER**

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, plaintiff objects to the Report and Recommendation, so I have reviewed this matter de novo. I agree with Magistrate Judge Clarke that the complaint does not state a claim for relief. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#9) is adopted. This action is dismissed without prejudice and with leave to file an amended complaint within 30 days from the day of this order.

IT IS SO ORDERED.

DATED this 2 day of August, 2012.

A handwritten signature in black ink, appearing to read "Owen M. Panner", with a horizontal line extending from the end of the signature.

OWEN M. PANNER  
U.S. DISTRICT JUDGE